UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,218	03/02/2004	Frances James	13909-135001 / 2003P00736	9854

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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022	KOVACEK, DAVID M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/790,218	JAMES, FRANCES
	Examiner	**Art Unit**	
	David Kovacek	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

4a) Of the above claim(s) <u>1-20</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21-30,33-35 and 37</u> is/are rejected.

7)☒ Claim(s) <u>31,32 and 36</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 December 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the amendment and remarks, filed by the

applicant 11/07/2007, in which the applicant cancels **claims 1-20**, adds **claims 21-38**,

and provides arguments pertaining to the patentability of the new claims.

Response to Amendment

2.   The amendments to the specification with regard to the specified informalities

cited in the previous Office Action have been considered and are accepted.

Specifically, the applicant has included serial number of a co-pending application

incorporated by reference as required.   The previous objection(s) to the specification

has been withdrawn.

3.   The amendments to the drawings with regard to the specified informalities cited

in the previous Office Action have been considered and are accepted. Specifically, the

applicant has included a reference missing from the original drawings as required. The

previous objection(s) to the drawings has been withdrawn.

4.   The amendments to the claims, including the cancellation of **claims 1-20** and

new listing of **claims 21-38** have been considered and are accepted. It is noted by the

examiner that acceptance of the formal requirements of the claims does not have any

bearing regarding the allowability of the claims in view of the prior art. Rejections to the

new claims are provided in the Office Action below in the appropriate sections.

Response to Arguments

5.   Applicant's arguments with respect to **claim 1** have been considered but are

moot in view of the new ground(s) of rejection.

6.   An interview between the applicant and the examiner was conducted 11/14/2007,

during which additional arguments were presented to the examiner regarding the

differences between the instant application and the prior art. The summary of this

interview is included with this Office Action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claim 38 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Specifically, **claim 38** is directed to a computer program product,

tangibly embodied in a machine-readable medium. The broadest

reasonable interpretation of this claim includes a computer-generated signal, which is

not considered to be one of a process, a machine, a manufacture, or composition of

matter and is instead considered manipulated energy and therefore a natural

phenomenon.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 21-30** and **37-38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chinn (US Patent Application Publication 2002/0010715), cited in the

previous Office Action.

Regarding **claim 1**, Chinn discloses a `method comprising:`

- `displaying [mapping] one or more, open interaction elements`

  `[nodes] in a voice-enabled user interface` (Page 9, paragraph

  `0113);`

- `receiving, in a navigation mode, a navigation command` (Page

  11, paragraph 0133);

- determining an open interaction element [form node] corresponding to the received navigation command (Page 13, paragraph 0150);

- entering, in a data entry mode, the open interaction element [form node] corresponding to the received navigation command enabling an exit option for the entered open interaction element, wherein the exit option provides for exiting the open interaction element (Page 18, paragraph 0203);

- receiving data for the entered open interaction element [form/input node] (Fig. 9, elements 1020, 3.1.2; Page 22, paragraphs 0267-0268);

- updating the entered open interaction element with the received data (Page 22, paragraphs 0267-0268)

- determining if an exit option has been selected (Page 14, paragraph 0161; Page 18, paragraph 0204);

Though Chinn does not explicitly disclose this limitation, it is inherent in the usage of any user-selectable exit option that behaves properly.

- exiting the entered open interaction element if it is determined that the exit option has been selected [user request] (Page 14, paragraph 0161; Page 18, paragraph 0204-0205), and

Though Chinn does not explicitly disclose this limitation, it is inherent in the

usage of any user-selectable exit option that behaves properly.

- enabling the navigation mode, if it is determined that the

  exit option has been selected (Fig. 8, element 148; Page 14,

  paragraph 0161).

It is noted by the examiner that though Chinn does not explicitly disclose this

limitation, and in fact only discloses "the user is done when all the fields in the form

node have been navigated," it would have been obvious to one of ordinary skill in the art

at the time the invention was made to implement this feature in order to allow

continuous and consecutive usage of the invention as disclosed by Chinn, for example,

to accommodate the condition where the user desires to complete multiple form nodes

consecutively.   Because this limitation is within the technical grasp of one of ordinary

skill in the art, and there is no reason not to expect success of this feature, then one of

ordinary skill in the art at the time the invention was made has sufficient motivation to

implement this limitation based upon the teachings of Chinn in order to provide

consecutive access to multiple nodes.

Regarding **claim 22**, Chinn discloses or renders obvious all limitations of **claim**

21 as applied above, and further discloses determining if an exit option has

been selected comprises determining if an explicit exit command

(user request) has been received (Page 14, paragraph 0161).

Regarding **claim 23**, Chinn discloses or renders obvious all limitations of **claim 21** as applied above, and further discloses determining if an exit option has been selected comprises determining if an implicit exit command [timeout condition] has been received (Page 16, paragraph 0184; Page 18, paragraph 0204).

Regarding **claim 24**, Chinn discloses or renders obvious all limitations of **claim 21** as applied above, and further discloses determining if an exit option has been selected comprises determining if a timeout period has expired (Page 16, paragraph 0184).

Regarding **claim 25**, Chinn discloses or renders obvious all limitations of **claim 21** as applied above, and further discloses determining if an exit option has been selected comprises determining if an exit option has been selected comprises determining if a tab command [navigation; barge in] has been received (Page 14, paragraph 0160; Page 17, paragraphs 00194, 00196; Page 18, paragraph 0204).

Regarding **claim 26**, Chinn discloses or renders obvious all limitations of **claim 21** as applied above and further discloses the open interaction element [form node] is adapted to receive multiple data entries [multiple forms] (Page 13, paragraph 0158).

Regarding **claim 27**, Chinn discloses or renders obvious all limitations of **claim 21** as applied above, and further discloses receiving data for the entered open interaction element comprises: a voice module translating voice data to text data using a speech recognition engine, and receiving the text data from the voice module (Page 1, paragraph 0011).

Though Chinn does not explicitly disclose the translation of voice data to text data, this is implied in disclosing the editing of input fields of a conventional web page (Page 1, paragraph 0011). This is further implied in disclosing that conventional web pages do not provide any accessibility using voice commands (Page 1, paragraph 0004).

Regarding **claim 28**, Chinn discloses or renders obvious all limitations of **claim 27** as applied above, and further discloses the voice module translating voice data to text data using a speech recognition engine further comprises retrieving a grammar associated with the entered open interaction element, and translating voice data to text data using the speech recognition engine and the retrieved grammar (Page 2, paragraph 0012).

Though Chinn does not explicitly disclose the translation of voice data to text data, this is implied in disclosing the editing of input fields of a conventional web page

(Page 1, paragraph 0011). This is further implied in disclosing that conventional web

pages do not provide any accessibility using voice commands (Page 1, paragraph

0004).

Regarding **claim 29**, Chinn discloses or renders obvious all limitations of **claim**

28 as applied above, and further discloses the grammar is one of a date

grammar and a name grammar [name information in the form node] (Page 11,

paragraph 0135).

Regarding **claim 30**, Chinn discloses or renders obvious all limitations of **claim**

21 as applied above, and further discloses determining the open interaction

element corresponding to the received navigation command

comprises:

- determining one or more open interaction elements [nodes]

  that match the received navigation command [keyword], wherein

  each open interaction element belongs to a priority group

  [navigation route] (Page 18, page 0204-0205);

- determining matching open interaction elements [nodes]

  belonging to the priority group with the highest priority

  [current navigation route] (Page 18, paragraph 0205); and

- if only one matching open interaction element [node] belongs

  to the highest priority group [current navigation route], selecting

the matching open interaction element that belongs to the

highest priority group (Page 18, paragraph 0204-0206).

Regarding **claims 37** and **38**, these claims are very similar to **claim 21** and are

rejected for the same reasons.

9.   **Claims 33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 6,246,981 hereinafter referred to as Papineni, in view of Chinn.

Regarding **claim 33**, Papineni discloses a method including:

- receiving a user interface, the user interface including

  user interface elements (Col. 3, lines 10-16); and

- displaying [outputting] the received user interface including

  the voice enabled user interface elements (Col. 3, lines 16-19).

  However, Papineni does not adequately disclose, but Chinn discloses:

  - parsing [mapping] user interface elements [nodes] (Page 9, paragraph

    0113);

  - processing the user interface elements [nodes] to generate voice enabled

    user interface elements [form elements; form nodes] (Page 9, paragraph

    0113); and

- prioritizing the voice enabled user interface elements into groups

  [navigation trees] based on their location in the user interface (Page 11,

  paragraphs 00131, 0135).

The two references are combinable because each is directed to a voice-enabled

interface with functions for navigation and data entry. Chinn provides motivation in

disclosing the utility of a modular architecture for the purpose of rapid upgrades (Page

10, paragraph 0120). Therefore, the examiner contends that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to use the

teachings of Chinn to modify the teachings of Papineni in order to implement a voice-

enabled system with functionality for both navigation and data entry that included a

modular architecture for the purposes of rapid upgrades.

Regarding **claim 34**, Papineni in view of Chinn discloses all limitations of **claim

33** as applied above, and Chinn further discloses the use of XML or HTML elements in

the modular architecture (Page 1, paragraphs 0003-0004, 0007; Page 10, paragraph

0126).

Because this limitation is directed to the modularization of the system, the

motivation to include it when viewing the teachings of Chinn is the same as applied

above to **claim 33**.

Regarding **claim 35**, Papineni in view of Chinn discloses all limitations of **claim

33** as applied above, and Papineni further discloses:

- translating each located user interface element [dialog] to create a speakable identifier [response] (Col. 3, lines 10-16); and

- associating the speakable identifier [response] with the corresponding user interface element [dialog] (Col. 3, lines 16-18).

Allowable Subject Matter

10.   **Claims 31-32** and **36** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 31**, Chinn discloses or renders obvious all limitations of **claim 30** as applied above, but none of the prior art found discloses the use of unique numbers to differentiate between open interaction elements belonging only to a single highest priority group. Chinn is the most relevant prior art, which maintains a hierarchy of the highest priority group [current navigation route] using relational data, but does not use unique numbering systems per se.

Regarding **claim 32**, this claim is dependent upon **claim 31** which contains allowable subject matter, and therefore similarly contains allowable subject matter.

Regarding **claim 36**, Papineni in view of Chinn discloses all limitations of **claim 33** as applied above, and Chinn further implies extracting text from the user interface elements [nodes] and using speech recognition to generate a speakable identifier [prompt] for said element (Page 12, paragraphs 0146-0147).

However, none of the prior art found included the limitation of adding the generated speakable identifier for the user interface element to a library including speakable identifiers. For this reason, **claim 36** contains allowable subject matter.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Martino (US Patent 5,805,676) teaches a telephone system including data transaction with the user in response to automated prompts.

- Brown (US Patent 6,574,601) teaches an acoustic speech recognition system and method allowing barge in operation.

- Gergic (US Patent Application Publication 2002/0198719) teaches a VoiceXML dialog system with reusable components.

- Hirona (US Patent Application Publication 2004/0015325) teaches a map display control apparatus and method of map display control.

12.   Please note that though the examiner providing signatory authority for this action

has changed, the examination has been performed by the same examiner throughout

prosecution.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Kovacek whose telephone number is (571) 270-

3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK 01/11/2008
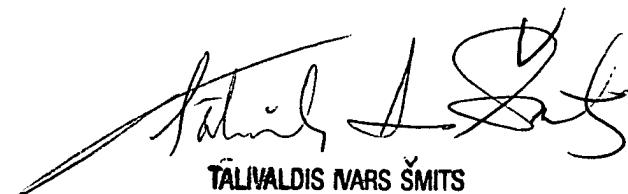
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